

MAR 28 2005

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App. No.:	09/897,988	DATE:	March 28, 2005

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- 1) This facsimile cover sheet (1 page)
- 2) Response to Notice of Non-compliant amendment (3 pages)



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MAR 28 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Nakai et al.

Art Unit: 1636

Application No.: 09/897,988

Examiner: Marvich

Filing Date: July 5, 2001

Attorney Ref. No.: US-1420

For: METHOD FOR PRODUCING
SUBSTANCE UTILIZING
MICROORGANISM

Via facsimile to 703 872 9306

Response to Notice of Non-compliant Amendment**Mail Stop Amendment**
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Non-Compliant Amendment (hereinafter "Notice") mailed on March 22, 2005, Applicants hereby submit a timely response since the allegedly non-compliant amendment was in response to a non-final action.

Applicants hereby assert that the Notice was issued in error. Specifically, the Examiner's objection to the disclosure at page 19, line 1 for the misspelling of "cytochrome" is improper since the substitute specification filed January 9, 2003 containing the spelling error was never entered (see page 2 of the office action issued August 9, 2004), and therefore the spelling error of "cytochrome" was never entered, and was never actually a part of the specification.

More importantly, this spelling error did not exist in the original specification (see page 23, line 25 of the originally filed specification), i.e. "cytochrome" was spelled correctly. The substitute specification filed November 23, 2004 properly shows corrections

Att'y Dkt. No. US-1420

U.S. App. No.: 09/897,988

made relative to this original specification, hence the correction of the spelling error is properly NOT reflected.

Therefore, Applicants respectfully request entry of the substitute specification and amendments previously submitted on November 23, 2004. Furthermore, Applicants respectfully request consideration of these amendments and arguments filed on November 23, 2004.